

J. RANDALL ANDRADA
(510) 287-4163

TEL: (510) 287-4160
FAX: (510) 287-4161

ANDRADA & ASSOCIATES

BRENDAN KENNY (510) 287-4168
ALICIA KENNON (510) 287-4187
CATHERINE WHEELER (510) 287-4165
CHRISTINA VAN WERT (510) 287-2910
AMELIA SANDOVAL (510) 287-2909

June 4, 2008

Chief Magistrate Judge James Larson
Courtroom F, 15th Floor
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Todd Ashker and Danny Troxell v. Schwarzenegger, et al.
USDC Northern District Case No. C05 3286 CW
Our File No. DOC 0594



Dear Judge Larson:

This letter concerns Your Honor's May 7, 2008 Order Denying in Part and Granting in Part Motion to Compel Further Answers to Written Deposition Questions. Your Honor ordered defendants to comply with the order within 30 days. To do so, defendants would have to serve responses to the written deposition questions to Rocky Moore, Devan Hawkes, Rick Newton, Susan Fisher, and Robert Harmon by today. As set forth in greater detail below, defendants are unable to meet this requirement. Therefore, we respectfully request an additional three weeks for Mr. Newton, Ms. Fisher, and Mr. Harmon to respond to the written deposition questions. We do not anticipate that they will need this much time, but given the many uncertainties, we do so in an abundance of caution. A brief review of the facts is in order.

Since we received Your Honor's May 7, 2008 Order, we have been busy attempting to provide the deponents with the written deposition questions and, frankly, our greatest difficulty has been contacting the deponents. They are not parties to this lawsuit. We had little contact with many of them prior to Your Honor's May 7 Order.

Devan Hawkes recently became a deputized federal agent. As part of his job duties, he travels throughout the United States teaching classes and seminars relating to gangs, terrorism, and organized crime. Consequently, we had great difficulty contacting

PROFESSIONAL CORPORATION
180 GRAND AVENUE, SUITE 925, OAKLAND, CALIFORNIA 94612

Chief Magistrate Judge James Larson
June 4, 2008
Page 2

him. Nevertheless, we served the plaintiffs with his responses to the written deposition questions on May 30, 2008.

Rocky Moore is a Corridor Control Officer at PBSP. He has unusual working hours. He was away on vacation during part of May. Consequently, we had great difficulty contacting him. Nevertheless, we served the plaintiffs with his responses to the written deposition questions on May 30, 2008.

Rick Newton was transferred to an adult conservation camp in Northern California in May 2008. Consequently, we have been unable to reach him. Bill Barlow, Litigation Coordinator at PBSP, has attempted to do so. However, Mr. Barlow has been out of the office all week for litigation training in Sacramento.

Susan Fisher is no longer a BPH Commissioner. She is currently Governor Schwarzenegger's Crime Victim's Advocate. We have had to contact legal affairs division of the BPH, who have in turn had to contact individuals in the Governor's Office. As I write this, I do not know if she has even received them yet.

Robert Harmon is a BPH Deputy Commissioner. We have had to contact legal affairs division of the BPH and discuss the questions with them. As I write this, I do not know if he has even received them yet.

For the foregoing reasons, we request an additional three weeks for Mr. Newton, Ms. Fisher, and Mr. Harmon to serve responses to the written deposition questions. **The responses would then need to be served by June 25, 2008.**

Thank you for your time and consideration.

Very truly yours,

ANDRADA & ASSOCIATES


BRENDAN KENNY

BK/JRA/lk
cc: Todd Ashker
Danny Troxell